



MAY 13 2002 Attorney's Docket No. 35718/234631(5718-139)

0360
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Bao et al Confirmation No.: 2024
Appl. No.: 09/923,844 Group Art Unit: 1635
Filed: August 7, 2001 Examiner: Not Assigned
For: SCLEROTINIA-INDUCIBLE GENES AND
PROMOTERS AND THEIR USES

May 7, 2002

SECOND
RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR
AMINO ACID SEQUENCE DISCLOSURES

U.S. Patent and Trademark Office
Box Sequence
P. O. Box 2327
Arlington, VA 22202

Sir:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated March 8, 2002, please replace the computer-readable form (CRF) as filed on December 21, 2001, in the present application with the substitute CRF submitted concurrently herewith.

The Notice to Comply states that the CRF filed on December 21, 2001, which was filed to correct formatting errors found in the CRF filed on August 7, 2001, was damaged. Therefore a substitute CRF submitted herewith. No new matter has been added by way of this substitution.

In re: Bao et al
Appl. No. 09/923,844
Filed: August 7, 2001
Page 2

I hereby state that the substitute copy of the computer-readable form, submitted in accordance with 37 C.F.R. §1.825(b), is the same as the paper sequence listing filed on August 7, 2001.

Respectfully submitted,

Kathryn L. Coulter

Kathryn L. Coulter
Agent for Applicant
Registration No. 45,889

CUSTOMER NO. 00826

ALSTON & BIRD LLP

Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: U.S. Patent and Trademark Office, Box Sequence, P. O. Box 2327, Arlington, VA 22202, on May 2, 2002.

Nora C. Martinez

Nora C. Martinez

0300

RAM Fee History
Query

Revenue Accounting and Management

Name/Number: 000023844

Total Records Found: 8

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Tran Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
08/10/2001	00000018	1	101	\$710.00	08/07/2001	OP
08/10/2001	00000019	1	103	\$252.00	08/07/2001	OP
08/10/2001	00000020	1	102	\$160.00	08/07/2001	OP
09/14/2001	00000043	1	142	\$1,240.00	09/13/2001	DA 500417
09/14/2001	00000044	1	561	\$6.00	09/13/2001	DA 500417
01/25/2002	00000112	1	105	\$130.00	01/18/2002	OP
02/01/2002	00000182	1	581	\$40.00	01/18/2002	OP
02/11/2002	00000011	7	105	-\$130.00	01/18/2002	OP

SEARCHED
INDEXED
SERIALIZED
FILED
GENEJO



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CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/923,844A
Filing Date: 8/7/2001
Date Processed by STIC: 2/6/2002

STIC Contact: Mark Spencer, 703-308-4212

Nature of Problem:

The CRF (was):

- (circle one) Damaged or Unreadable (for Unreadable, see attached)
 Blank (no files on CRF) (see attached)
 Empty file (filename present, but no bytes in file) (see attached)
 Virus-infected. Virus name: _____ The STIC will not process the CRF.
 Not saved in ASCII text
 Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should **only** be the Sequence Listing.
 Did not contain a Sequence Listing. (see attached sample)
 Other:

PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.

SEE BELOW FOR ADDRESS:

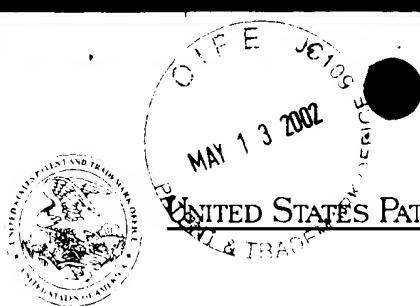
<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<http://www.uspto.gov/ebc/efs/downloads/documents.htm>), EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
Or
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APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/923,844	08/07/2001	Zhongmeng Bao	35718/234631(5718-139)

CONFIRMATION NO. 2024

00826
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

FORMALITIES LETTER



OC000000007608775

Date Mailed: 03/08/2002

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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